

REMARKS

Claims 101-116 are presented for examination in the present application. Claims 1-100 are canceled without prejudice. Claims 101-116 are new.

The Office Action provides "application Serial No. 10/522,977, filed July 5, 2005." Applicants respectfully submit that the application was filed February 1, 2005.

The Office Action provides that the numbering of claims is not in accordance with 37 C.F.R. 1.126 as not being numbered consecutively. Applicants acknowledge that claims 80-102 are renumbered as claims 78-100.

Claims 53-56, 90, 95, 99, and 100 are rejected under 35 U.S.C. §112, second paragraph, as indefinite. Claims 1-16, 29-38, 57-61, 65-86, 88, 89, 91-94, and 96-98 are rejected under §102(b) as being anticipated by International Application Publication No. WO 00/50295 to Lampert et al. (Lampert). Claims 53-56, 79-86, and 92 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,698,567 to Dal Pra' (Dal Pra'). Claims 62-64, 90, and 95 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2002/0185349 to Jakovljevic (Jakovljevic). Claims 17-28, 87, 99, and 100 are rejected under 35 U.S.C. §103 over Lampert in view of U.S. Patent No. 4,598,954 to Hayashi (Hayashi). Claims 39-52 are rejected under 35 U.S.C. §103 over Lampert in view of U.S. Patent No. 1,996,282 to Drabin (Drabin). Claims 1-100 are canceled rendering the rejections thereto moot.

New independent claim 101 provides a dual function handlebar mounted actuator comprising means for operating a brake function and means for operating a clutch function with a single hand operated lever for contact by a user. The lever is arranged to separately activate at least one of said brake and said clutch function operating means. The brake and clutch function operating means are linked so that a combined brake and clutch function can be activated.

Independent claim 101 is patentable over the cited art. In particular, Lampert provides an actuator that includes two hand operated levers for contact by a user. Thus, Lampert fails to disclose or suggest a single hand operated lever for contact by a user, let alone a single lever being arranged to separately activate at least one of the brake and the clutch function operating means, as recited by claim 101.

Additionally, the actuator of Lampert is able to achieve a combined brake and clutch function by virtue of a link between the two hand operated levers (levers 16 and 20). Therefore, the actuator shown in Lampert does not have a link between the brake and clutch function operating means (i.e. the cables 60) that enables a combined brake and clutch function. Thus, Lampert fails to disclose or suggest that the brake and clutch function operating means are linked so that a combined brake and clutch function can be activated, as recited by claim 101. For example, as shown in Figure 3, brake linkage 117 and clutch linkage 124 illustrate one embodiment of the brake and clutch function operating means that are linked.

The Office Action fails to assert that any of the remaining references, namely Dal Pra', Jakovlijevic, Hayashi, and Drabin, disclose or suggest the a single hand operated lever for contact by a user, let alone that the single lever is arranged to separately activate at least one of the brake and the clutch function operating means, or that the brake and clutch function operating means are linked so that a combined brake and clutch function can be activated, as recited by claim 101. Therefore, claim 101 is in condition for allowance. Claims 102-116 are also in condition for allowance for at least the reason that they depend from claim 101.

In addition, new dependent claim 111 provides the dual function handlebar mounted actuator according to claim 101, and further provides "means for sensing an R.P.M. of an associated engine, wherein said lever is arranged so that when the sensed R.P.M. is above a first predetermined value, movement of a first portion of the lever will result in operation of said brake function, and wherein when the sensed R.P.M. is below the first predetermined value movement of the first portion of the lever will result in operation of the

brake function and the clutch function so as to prevent stalling of the engine.” Dependent claim 111 incorporates some of the features of canceled claim 39 rejected under 35 U.S.C. §103(a) over Lampert in view of Drabin.

As discussed above, independent claim 101 is patentable over Lampert and Drabin. Similarly, claim 111 that depends from claim 101 is also patentable over Lampert and Drabin.

In addition, dependent claim 113 provides that the dual function handlebar mounted actuator according to claim 101, has movement of the lever in a first direction that operates the clutch function, and movement of the lever in a second direction that operates the brake function. Also, the dual function handlebar further includes a combined function means arranged so that when the lever is moved in the first direction to an initiation point the combined function means causes the lever to also move in the second direction so that both the clutch function and the brake function are operated. Dependent claim 113 incorporates some of the features of canceled claim 53 rejected under 35 U.S.C. §102(e) as being anticipated by Dal Pra’.

Dal Pra’ also fails to disclose or suggest a single hand operated lever for contact by a user, let alone that a single lever is arranged to separately activate at least one of the brake and the clutch function operating means, as recited by claim 101. In contrast, Dal Pra’ provides a brake control lever 16 and a gear change lever 38. (col. 2, line 14, 66-67).

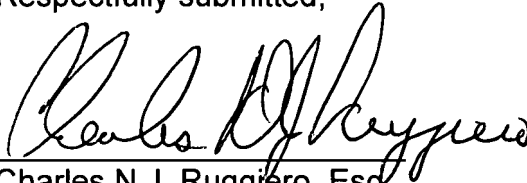
Further, Dal Pra’ fails to disclose or suggest that a combined function means is arranged so that when the lever is moved in the first direction to an initiation point, the combined function means causes the lever to also move in the second direction so that both the clutch function and the brake function are operated, as recited by claim 113. In contrast, Dal Pra’ provides “when the control lever of the brake 16 pivots around its pivotal axis 18 to control braking, the first part 40 of the lever 38 remains motionless, while the second part 44 of the lever 38 pivots around the pivotal axis 46 and follows the movement of the brake control lever.” (col. 3, lines 33-38). Dal Pra’ further provides that “[t]o control

gear change, the cyclist applies light pressure in the direction indicated by the arrow 56 in FIGS. 3 and 4". (col. 3, lines 40-42). Thus, to control gear change, the lever 38 must be moved in a different direction than the brake control lever.

In view of the above, it is respectfully submitted that the present application is in condition for examination. Applicants respectfully request favorable consideration and passage of this application to allowance.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



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